

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 CASE NO. 1:23-cv-23004-WPD
4

5 JANE DOE, a minor, by and through her
6 mother and next friend, MOTHER DOE,
7 Plaintiff,
8 vs.

9 ACADEMIR CHARTER SCHOOLS, INC., and
10 SUPERIOR CHARTER SCHOOL SERVICES, INC.,
11 Defendants.
12 _____/

13
14
15 DEPOSITION OF ROLANDO MIR
16

17 WEDNESDAY, MAY 8, 2024
18 10:02 a.m. - 1:15 p.m.

19 ALL PARTIES APPEARED REMOTELY
20
21 - - -
22

23 Reported By:

24 Katiana Louis
25 Notary Public, State of Florida
Miami Office #27399

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1 Thereupon:

2 ROLANDO MIR

3 was called as a witness and, having been first
4 duly sworn and responding, "Yes," was examined
5 and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MACDONALD:

8 Q. Good morning. My name is Kyle
9 MacDonald. And I represent Jane Doe in her
10 lawsuit against Academir Charter Schools, Inc.
11 and Superior Charter School Services, Inc.

12 Thank you for being here today.

13 A. Thank you.

14 Q. Can you please start by stating your
15 full name for the record please?

16 A. Rolando Mir.

17 Q. Have you ever been deposed before,
18 Mr. Mir?

19 A. In different cases, yes, due to --
20 related to my job, my work in the past.

21 Q. How many times have you been deposed
22 before?

23 A. Six, seven times, more or less.

24 Q. And you said when you were deposed those
25 six or seven times it was related to your work?

1 A. Right. I was a deputy sheriff in
2 Miami-Dade County.

3 Q. Were all six or seven of those times
4 related to your work as a deputy sheriff?

5 A. Related to the work, yes.

6 Q. So, even though this isn't your first
7 deposition, I'll just go over a few things so
8 we're both on the same page.

9 A. Absolutely.

10 Q. Do you understand that you've been
11 placed under oath and you have the obligation to
12 testify truthfully here today?

13 A. Yes.

14 Q. And do you understand that even though
15 we're conducting this deposition via Zoom, your
16 testimony has the same force and effect as if you
17 were testifying in a court of law before a judge
18 and jury?

19 A. I do. Yes, sir.

20 Q. Now, the court reporter cannot
21 transcribe any inaudible responses, like a
22 gesture or a shrug, so just please make sure to
23 respond clearly just as you have been. Okay?

24 A. Yes, sir.

25 Q. And the court reporter also cannot

1 accurately reflect your responses if we speak at
2 the same time, so I'll wait until you finish your
3 answer, and I just ask that you wait until I
4 finish my question.

5 A. Absolutely.

6 Q. Now, we want to ensure that we get your
7 best testimony. So if there is any question you
8 don't understand or you think is confusing, just
9 let me know and then I can rephrase it for you.
10 Okay?

11 A. Okay.

12 Q. And if you don't say anything, then I'll
13 assume you understood the question as asked.
14 Okay?

15 A. Agreed.

16 Q. If you need to a take a break at any
17 point, to go use the bathroom, get a drink of
18 water, anything like that, just let me know and
19 I'm happy to do so.

20 A. Thank you.

21 Q. Is there anything that would prevent you
22 from thinking clearly and testifying truthfully
23 here today?

24 A. No, sir.

25 Q. Now, for the purposes of today's

1 deposition, I'm going to refer to Superior
2 Charter School Services, Inc., as just Superior
3 if that's okay with you?

4 A. That's okay.

5 Q. And on that same note, I'll refer to my
6 client, , as simply Jane, to protect
7 her identity if that's okay with you.

8 A. That's fine.

9 Q. Do you understand that you're here today
10 to testify on behalf of Superior?

11 A. Yes, sir.

12 Q. And do you understand that your answers
13 are based not only on your personal knowledge but
14 also all knowledge known or reasonably available
15 to Superior?

16 A. Yes, sir.

17 Q. And do you understand that your answers
18 will be binding on Superior?

19 A. Yes, sir.

20 (Plaintiff's Exhibit No. 1 was
21 marked for identification.)

22 BY MR. MACDONALD:

23 Q. And I'm going to show you a document.
24 Can you see the document I'm showing
25 you?

1 A. Yes, sir.

2 Q. Now I want to draw your attention to the
3 list of topics here and I'll give you a moment to
4 review.

5 A. Yes, sir.

6 Q. Are you prepared to give testimony on
7 the topics listed on 1 through 10 on the page
8 there?

9 A. Yes, sir.

10 Q. I'll give you a moment to review this
11 next page.

12 A. Okay.

13 Q. Are you prepared to give testimony
14 regarding topics 11 through 21?

15 A. Yes, sir.

16 Q. And I'll give you a moment to review
17 this last page.

18 A. Okay.

19 Q. Are you ready and prepared to give
20 testimony regarding topics 22 to 29 as well?

21 A. Yes, sir.

22 Q. What did you do to prepare for today's
23 deposition?

24 A. Read several documents that I have in
25 regards to this federal lawsuit and go through

1 several documents that the school provided.

2 Q. What documents did you review prior to
3 today?

4 A. The complaint, the federal complaint
5 against the school, the management agreement with
6 the school.

7 Q. Any other documents?

8 A. No.

9 Q. Do you have those documents in front of
10 you?

11 A. Yes, sir.

12 Q. So, in front of you, you have the
13 complaint that was filed in this lawsuit and then
14 the management agreement between Superior and the
15 Academir; is that correct?

16 A. That's correct.

17 Q. Anything else in front of you?

18 A. No, sir.

19 Q. Okay. Besides the attorney for
20 Superior, did you speak to anyone about your
21 deposition today?

22 A. No, sir.

23 Q. And where are you conducting today's
24 deposition from?

25 A. From my office.

1 Q. And where is your office located?

2 A. 5420 Southwest 157th Avenue, Unit 5,
3 Miami, Florida 33185.

4 Q. Is anyone in the room with you?

5 A. No, sir.

6 Q. What is your current address?

7 A. Home address or business address?

8 Q. Your current home address.

9 A. 15571 Southwest 27th Street Miami,
10 Florida 33185.

11 Q. And how long have you lived at that
12 address for?

13 A. 20 years.

14 Q. Have you ever been arrested before?

15 A. No, sir.

16 Q. Have you ever been a party to a civil
17 lawsuit before?

18 A. No, sir.

19 Q. Did you attend college?

20 A. Some college, mostly law enforcement.

21 Q. And what college did you attend?

22 A. Miami-Dade.

23 Q. When did you take courses at Miami-Dade?

24 A. Back in '79, 1979.

25 Q. And did you earn a degree at Miami-Dade?

1 A. No, sir.

2 Q. Do you have any professional
3 certifications?

4 A. Certifications being Miami-Dade County
5 Sheriff's Office.

6 Q. And what kind of certifications did you
7 receive from Miami-Dade County Sheriff's Office?

8 A. Certificate of corrections from the
9 department of Tallahassee.

10 Q. Any other professional certifications
11 besides that one?

12 A. No, sir.

13 Q. Have you ever received any training
14 related to human resources before?

15 A. Not training.

16 Q. Are you a member of any professional
17 organizations?

18 A. No, sir.

19 Q. Now, you previously mentioned that you
20 worked for some time at the Miami-Dade County
21 Sheriff's Office; is that correct?

22 A. Yes, sir.

23 Q. How long did you work at the Sheriff's
24 Office for?

25 A. 25 years.

1 Q. And what position did you hold with the
2 Sheriff's Office during that time?

3 A. Extraditions.

4 Q. And what does that entail?

5 A. It entails picking up fugitives
6 throughout the state of Florida.

7 Q. And did you do that for your entire time
8 at the Miami-Dade County Sheriff's Office?

9 A. I did it for about 20 years out of the
10 25.

11 Q. And what did you do for the other five
12 years?

13 A. Various positions in the department.
14 Mostly courts.

15 Q. And was that when you first started with
16 the Sheriff's Office or towards the end of your
17 career?

18 A. Towards the beginning of my career.

19 Q. Where do you work currently?

20 A. At Superior Charter Schools Services.

21 Q. And what do you do for Superior?

22 A. I'm the CEO.

23 Q. And how long have you been CEO of
24 Superior for?

25 A. Since its existence, about 20 years.

1 Q. Did you start the company, Superior?

2 A. Yes, sir.

3 Q. What made you want to start the company?

4 A. Education.

5 Q. What about education?

6 A. My wife was a teacher and we wanted to
7 put schools to service the kids in the community.

8 Q. Is your wife currently a teacher still?

9 A. No, she's not.

10 Q. She retired?

11 A. No, she's not.

12 Q. Where was she a teacher last?

13 A. Last time she taught was 20 years ago
14 for a public school -- private school.

15 Q. Is your wife currently employed?

16 A. Yes, she is.

17 Q. And where is she employed?

18 A. With Superior.

19 Q. And what does she do for Superior?

20 A. She's the president of Superior.

21 Q. What does that position entail?

22 A. All financials for all Superior and for
23 all the charter schools.

24 Q. You said she handles the financials for
25 Superior and all of the charter schools?

1 A. Yes.

2 Q. What charter schools are those?

3 A. Academir Charter Schools.

4 Q. Does she handle all of the finances for
5 all of the Academir Charter Schools?

6 A. Yes, she oversees all the financials
7 besides the CPAs and the accountants.

8 Q. And how long has your wife handled the
9 finances as president for all of the charter
10 schools?

11 A. The same time, about 20 years since the
12 opening.

13 Q. Do the Academir Charter Schools have
14 separate individuals that handle the finances or
15 are those duties strictly handled by your wife?

16 A. Mostly finances by my wife. There is
17 other personnel that handles other areas of
18 Superior.

19 Q. And in your role as CEO, what are your
20 responsibilities?

21 A. To oversee all the personnel in
22 Superior, to support all the schools and any need
23 that they might have.

24 Q. And what personnel do you oversee?

25 A. I oversee 18 people in Superior,

1 employees of Superior.

2 Q. And what do those employees do?

3 A. Some of them do payroll. Some of them
4 do HR. Some of them do curriculum. I also
5 oversee the chief operating officer for Academir,
6 facility operators, grants.

7 Q. You mentioned the chief operating
8 officer?

9 A. Olivia Bernal.

10 Q. And you oversee Ms. Bernal?

11 A. Yes, sir.

12 Q. What is the relationship between
13 Superior and Academir Charter Schools?

14 A. Superior is the management company hired
15 by the board to run the schools.

16 Q. And as the management company what kind
17 of responsibilities does Superior handle for the
18 schools?

19 A. Anything having to do with financials,
20 anything having to do with repairs, anything
21 having to do with hiring employees, recruiting
22 students, grants, preparing grants, opening new
23 facilitates, opening up schools.

24 Q. And in terms of handling financials,
25 Superior handles all aspects for the financials

1 for each of the Academir Charter Schools;
2 correct?

3 A. Correct, in connection with the CPAs.

4 Q. And who are the CPAs that you are
5 referring to?

6 A. I forget the company name now, but it's
7 a company.

8 Q. And this company is regularly involved
9 with handling the finances of Academir Charter
10 Schools?

11 A. Absolutely. They do reporting every
12 month.

13 Q. What kind of reporting do they do?

14 A. They have to report to the district all
15 the finances on a monthly basis and to us.

16 Q. And when you say the district, do you
17 mean the Miami-Dade County School District?

18 A. Correct.

19 Q. And you also mentioned handling the
20 hiring -- I'm sorry -- that Superior handles the
21 hiring for Academir Charter Schools; is that
22 correct?

23 A. Correct.

24 Q. Does Superior do the hiring for all
25 employees of the charter schools?

1 A. Superior assists in the hiring. The
2 board hires the principals. Superior recommends,
3 searches -- recruits and recommend the
4 principals. The principals ultimately are the
5 ones that decide if they are hired or not.

6 Q. So, Superior handles the recruitment and
7 the interview process then for any employees of
8 the Academir Charter Schools?

9 A. We do, and also the principal does the
10 interviewing, the final interview.

11 Q. And then the principal of the respective
12 Academir Charter Schools makes the final decision
13 as to whether to hire an employee?

14 A. Absolutely.

15 Q. Does Superior handle any of the training
16 for new employees of Academir Charter Schools?

17 A. No, sir.

18 Q. And do you know who is responsible for
19 the training of new employees for Academir
20 Charter Schools?

21 A. Certain trainings are done by the
22 payroll company, TotalSource ADP, some training
23 is done by them, by the school, by the principal.

24 Q. Does Superior handle any aspect of
25 training for Academir Charter School employees?

1 A. No, sir.

2 Q. Now, you previously mentioned that the
3 Academir Charter Schools board is the one that
4 hired Superior as a management company; is that
5 right?

6 A. That's correct.

7 Q. When you say the board, what are you
8 referring to?

9 A. The board of directors.

10 Q. Is there a board of directors for all of
11 the Academir Charter Schools or are there
12 separate boards for each school?

13 A. No, there is one board for all the
14 schools.

15 Q. And how many individuals sit on that
16 board?

17 A. Five.

18 Q. How are those individuals selected?

19 A. They are recruited by the chair and then
20 they are selected by the whole board.

21 Q. Who is the chair of the board?

22 A. Alexander Casas.

23 Q. How long has Superior served as the
24 management company for Academir Charter Schools?

25 A. Since 2008.

1 Q. And do you know when Academir Charter
2 Schools was founded?

3 A. In 2008.

4 Q. So, Superior has served as the
5 management company since the beginning of the
6 schools; is that right?

7 A. Since the inception, yes.

8 Q. Who founded Academir Charter Schools?

9 A. I did.

10 Q. And did you start the charter schools
11 with anyone else?

12 A. Only my wife and I.

13 Q. Have you ever worked for Academir
14 Charter Schools, for example, when you first
15 started the company?

16 A. No, sir.

17 Q. Did you start Superior at the same time
18 as Academir Charter Schools?

19 A. More or less the same time.

20 Q. What made you want to start Superior as
21 a management company in addition to Academir
22 Charter Schools?

23 A. I wanted to be the management company
24 for the schools. We wanted to manage them.

25 Q. Is it common for charter schools to have

1 management companies like Superior?

2 A. Yes, sir.

3 Q. Does Superior contract with Academir
4 Charter Schools on an annual basis?

5 A. Usually on a five-year basis.

6 Q. And has the board of Academir ever
7 utilized a different management company?

8 A. No.

9 Q. How is Superior compensated for its
10 services to Academir Charter Schools?

11 A. Get a percentage of the revenue that the
12 school -- the FTE comes every month.

13 Q. What's the percentage?

14 A. It varies, 10 percent, 12 percent. It
15 depends on the school, mostly 12 percent.

16 Q. You mentioned FTE, what is that?

17 A. That is money paid by pupils from the
18 county to the charter school.

19 Q. So Superior is paid roughly 12 percent
20 of the amount of money paid from Miami-Dade
21 County to Academir Charter Schools then?

22 A. Correct.

23 Q. Is that the main source of funding for
24 Superior?

25 A. Correct.

1 Q. Does Superior receive funding from any
2 other outlets besides the county?

3 A. No, sir.

4 Q. Are there requirements that are attached
5 to that money from Miami-Dade County?

6 A. No, sir.

7 Q. Miami-Dade County doesn't have any
8 compliance requirements for Superior or Academir
9 in compliance for that money?

10 A. No, sir.

11 Q. Now, you previously mentioned grants.
12 Where do those grants come from?

13 A. Those are grants that are applied -- we
14 apply for those grants from the federal
15 government and from the state for all the schools
16 depending on what the state puts out and we apply
17 for them and most of the time we're granted for
18 those grants.

19 Q. And you said those are state and federal
20 grants?

21 A. Yes, sir.

22 Q. Do you know who administers those
23 federal grants if a particular department?

24 A. The chief operating officer is the one
25 in charge of that.

1 Q. Are those grants given by the federal
2 department of education?

3 A. Yes, and from the state department of
4 education.

5 Q. Do they come from both the Florida
6 department of education and then the federal
7 department of education?

8 A. Correct. Correct.

9 Q. Do those federal grants have any
10 requirements in terms of the funding that's given
11 to Superior?

12 A. They are not given to Superior. They're
13 given to the Academir Charter Schools.

14 Q. Do you know if there are any
15 requirements imposed on Academir Charter Schools
16 in relation to those federal grants?

17 A. There are. There are regulations.

18 Q. Do you know what those are?

19 A. Not offhand. She's the most involved in
20 that, but those grants are given for whatever
21 specific reason that we applied for. So, if we
22 applied for furniture, it's got to be for
23 furniture. It cannot be used for other things.

24 Q. You mentioned "she"; who are you
25 referring to?

1 A. The chief operating officer, Olivia
2 Bernal.

3 Q. And if I understand you correctly, those
4 grants are given directly to Academir Charter
5 Schools by the federal and state government?

6 A. Yes, sir.

7 Q. Does Superior receive any of that money
8 that comes from those federal or state grants?

9 A. Absolutely not.

10 Q. Now, you previously mentioned that
11 Superior receives a percentage of the FTE from
12 Miami-Dade County schools; right?

13 A. Correct.

14 Q. Are you aware if any of those funds that
15 Miami-Dade County schools grants to Superior are
16 from the federal government?

17 A. I'm not aware of that, no. They come
18 from the state.

19 And let me correct something.
20 Miami-Dade County does not pay Superior.
21 Miami-Dade County pays Academir Charter Schools.
22 Academir Charter Schools is the one that pays a
23 percentage to Superior for their services.

24 Q. If I understand you correctly,
25 Miami-Dade County schools paid Academir based on

1 its enrollment?

2 A. Exactly.

3 Q. And then Academir Charter Schools pays a
4 percentage of those funds to Superior for its
5 management services; is that right?

6 A. A percentage of those funds get paid to
7 Superior based on the contract which, like I
8 stated before, is a percent.

9 Q. Now, you previously mentioned
10 Ms. Bernal, who is the chief operating officer.
11 She's the chief operating officer for Superior;
12 is that right?

13 A. She's the chief operating officer for
14 the charter schools.

15 Q. Okay.

16 A. She handles all of the charter schools.

17 Q. And Ms. Bernal is also responsible for
18 compliance with those grants that come from the
19 state and federal government on behalf of
20 Academir; is that right?

21 A. Yes, sir.

22 Q. Is Ms. Bernal responsible for all
23 aspects of legal compliance for Academir that you
24 are aware of?

25 A. A lot of the compliances are done by the

1 principals too, but when it comes to Superior,
2 Ms. Bernal is the one that handles it.

3 Q. What do you mean when it comes to
4 Superior?

5 A. If there is a compliance that has to be
6 met, she will do it. She does all the
7 compliance. If it's something the principal has
8 to do, then the principal will handle that
9 compliance on their side.

10 Q. So, Ms. Bernal handles compliance for
11 Superior, but she's the chief operating officer
12 for Academir?

13 A. Yes, sir.

14 Q. How does that work?

15 A. She worked for the schools in the past.
16 She was a principal in the school and then she
17 became chief operating officer for all of those
18 schools. Now she works out of Superior.

19 Q. What do you mean she works out of
20 Superior?

21 A. She works out of Superior's offices and
22 she manages all of those schools.

23 Q. Just so I understand you correctly,
24 Ms. Bernal is an employee of Academir Charter
25 Schools?

1 A. Is an employee of Academir Charter
2 Schools and is an employee of Superior.

3 Q. So, she's employed by both?

4 A. Yes.

5 Q. Do both Superior and Academir Charter
6 Schools pay Ms. Bernal a salary?

7 A. Yes, sir.

8 Q. How much does Superior pay Ms. Bernal on
9 an annual basis?

10 A. \$150,000.

11 Q. And do you know how much Academir
12 Charter Schools pay Ms. Bernal?

13 A. It's the in the 50s, I believe. I'm not
14 sure at this point.

15 Q. And you said Ms. Bernal works out of
16 Superior; is that right?

17 A. That's correct.

18 Q. Do you mean the physical office that she
19 works at?

20 A. That's what I mean, the physical office.

21 Q. Who does Ms. Bernal report to directly?

22 A. To me.

23 Q. And is that for her work for both
24 Academir Charter Schools and Superior?

25 A. Yes, sir.

1 Q. And you also said Ms. Bernal handles all
2 aspects of compliance for Superior?

3 A. Not all aspects of compliance for
4 Superior.

5 Q. What aspects of compliance does she
6 handle for Superior?

7 A. She handles anything having to do with
8 the grants, like I mentioned. She handles
9 anything having to do with the county compliance
10 for the schools, anything having to do with the
11 schools. But not all the -- the Superior is --
12 there's different people in Superior that handle
13 different aspects of Superior.

14 Q. Does anyone else that works for Superior
15 handle compliance?

16 A. My wife sometimes.

17 Q. What aspects of compliance does your
18 wife handle?

19 A. Some from the district, some of the --
20 certain requirements have to be met, like renewal
21 of charters and things like that, of that nature.

22 Q. Does Ms. Bernal handle compliance with
23 federal law for Superior?

24 A. No.

25 Q. Who handles compliance with federal law

1 for Superior?

2 A. My wife and I.

3 Q. What aspects of federal legal compliance
4 do your wife and yourself handle?

5 A. Of federal legal?

6 Q. Yes.

7 A. I don't understand the question.

8 Q. Well, I asked who handles compliance
9 with federal law for Superior and I believe you
10 told me your wife and yourself handle those
11 aspects?

12 A. Correct.

13 Q. So, what do your wife and yourself do in
14 that regard?

15 A. It all depends what the compliance --
16 whatever compliance needs to be met, that's what
17 we do.

18 Q. What have you done in the past in
19 relation to compliance with federal law on behalf
20 of Superior?

21 A. When it comes to employees and
22 compliances on hiring and payroll and training we
23 handle those things like I said with the
24 TotalSource ADP.

25 Q. You and your wife handle compliance with

1 federal law for employee training?

2 A. In conjunction with ADP, yes.

3 Q. How does Superior ensure employees are
4 complying with federal law in conjunction with
5 ADP?

6 A. Through ADP attorneys. We deal with the
7 ADP and their attorneys constantly on all
8 compliances and anything that has to be met.

9 Q. You deal with attorneys from ADP?

10 A. Yes, we deal with -- not myself, HR
11 does, but we deal with attorneys. That's why we
12 have TotalSource with them.

13 Q. Now, I know you mentioned hiring and
14 training and several other aspects of federal
15 compliance, who handles federal education
16 requirements for Superior?

17 A. Ms. Bernal.

18 Q. And are you familiar with what she does
19 in that regard with federal education law?

20 A. Not really.

21 Q. Does anyone else handle compliance with
22 federal education law on behalf of Superior
23 besides Ms. Bernal?

24 A. No.

25 Q. And does Ms. Bernal also handle that

1 same federal education law compliance for
2 Academir or is there a someone else that handles
3 that?

4 A. For the charters she would be the one
5 handling it.

6 Q. And no one else besides Ms. Bernal is
7 handling that on behalf of Academir; correct?

8 A. Not that I am aware of.

9 Q. Now, in terms of the operations of
10 Academir Charter Schools, who are, let's say, the
11 teachers employed by?

12 A. The teachers are employed by ADP.

13 Q. The teachers are employed by ADP?

14 A. Yes.

15 Q. They don't work for Academir Charter
16 Schools?

17 A. They work for Academir Charter Schools,
18 employed by ADP.

19 Q. Are you referring to handling payroll?

20 A. Handling payroll and hiring, that's part
21 of TotalSource.

22 Q. But Academir Charter Schools teachers
23 and faculty are not employed by Superior;
24 correct?

25 A. They're not.

1 Q. And is that also true for the
2 administrators of Academir Charter Schools?

3 A. Correct.

4 Q. And I believe previously you said there
5 are about 18 employees for Superior?

6 A. Yes.

7 Q. And that includes yourself, your wife,
8 and Ms. Bernal?

9 A. Correct.

10 Q. Who else is employed by Superior?

11 A. Xenia is in charge of -- do you want
12 names or do you just want positions?

13 Q. We can do positions.

14 A. We have an HR -- we have two HR people.
15 We have two payroll people. We have three
16 curriculum coaches. We have Ms. Bernal. We have
17 the vice president Magdiel. We have a facility
18 supervisor, to supervise the facility to make
19 sure they are in compliance with signage and all
20 that, that the school requires. And let's see,
21 receptionist, afterschool program attendant.
22 About 18 people.

23 Q. Now, you mentioned a vice principal, I
24 believe, a vice president?

25 A. Yes, sir.

1 Q. Who is that?

2 A. Magdiel Rodriguez.

3 Q. And what kind of responsibilities do
4 they handle for Superior as vice president?

5 A. He handles Superior when the president,
6 my wife and I are not present, he's in charge of
7 everything we do.

8 Q. Do you know what Title IX is?

9 A. Yes, sir.

10 Q. What is Title IX?

11 MS. KARRON: Object to the form.

12 MR. MACDONALD: You can go ahead
13 and answer.

14 THE WITNESS: Anything having to do
15 with sexual harassment, harassment of a
16 person, I believe.

17 BY MR. MACDONALD:

18 Q. You said you believe Title IX relates to
19 sexual harassment; is that right?

20 A. Yes, sir.

21 Q. And are you aware that Title IX refers
22 to a federal law?

23 A. I know it's a federal law, yes.

24 Q. Have you ever received any type of
25 training related to Title IX before?

1 A. No, sir.

2 Q. You've never done any training related
3 to Title IX you've said?

4 A. No, sir.

5 Q. How did learn of what Title IX is if
6 you've never done any training related to it?

7 A. Heard of it.

8 Q. Do you know if Superior is subject to
9 any Title IX requirements?

10 MS. KARRON: Object to form. Calls
11 for a legal conclusion.

12 MR. MACDONALD: You can answer.

13 THE WITNESS: I'm not aware of it.

14 No.

15 BY MR. MACDONALD:

16 Q. Do you know if Superior receives any
17 federal funding that relates to Title IX?

18 A. No, sir.

19 Q. No as in you do not know?

20 A. No, we don't receive any funding.

21 Q. Superior doesn't receive any federal
22 funding directly is what you're saying?

23 A. Correct, sir. They don't receive any.

24 Q. Are you aware that Miami-Dade County
25 receives federal funding?

1 A. I'm sure they do.

2 Q. You're sure that Miami-Dade County
3 receives federal funding?

4 A. Yes.

5 Q. Do you know if Academir Charter Schools
6 receives federal funding?

7 A. I'm sure through Miami-Dade County
8 Public Schools they receive federal funding.

9 Q. And it's from that money that
10 Academir receives that Superior is paid; is that
11 right?

12 A. Yes, sir.

13 Q. So then wouldn't it be true that
14 Superior also receives federal funding?

15 MS. KARRON: Object to form.

16 THE WITNESS: Superior doesn't
17 receive funding directly from the
18 federal government.

19 BY MR. MACDONALD:

20 Q. But it does receive federal funding
21 indirectly?

22 A. I'm not aware of it.

23 Q. Does Superior conduct any Title IX
24 training for its 18 employees?

25 A. I'm sure through TotalSource ADP they

1 do.

2 Q. Do you know that for a fact?

3 A. No, I don't, but I'm sure they do the
4 training.

5 Q. You believe ADP TotalSource administers
6 Title IX training to Superior employees?

7 A. Not to Superior's employees, to the
8 charter schools' employees.

9 Q. Well, first I wanted to ask you about
10 Superior employees. Does Superior give any Title
11 IX training to any of its 18 employees?

12 A. No, sir.

13 Q. Does Superior give any Title IX training
14 to Academir Charter School employees?

15 A. Not Superior. To ADP TotalSource.

16 Q. What kind of Title IX training does ADP
17 TotalSource give to Academir Charter School
18 employees?

19 A. I couldn't tell you. I don't know.

20 Q. Does ADP TotalSource give trainings
21 directly related to education or education
22 compliance, I should say?

23 A. No, I don't believe so.

24 Q. Do you know what topics ADP TotalSource
25 trains Academir Charter School employees on?

1 A. On harassment, on various other things.

2 Q. What various other things?

3 A. Such as sexual harassment. I'm not
4 really familiar with it because I don't work HR.
5 The HR people might know that, but I know they do
6 training for them and they have to do training
7 before they hire them.

8 Q. Have you ever had to undergo that ADP
9 TotalSource training?

10 A. Not, I'm not an employee of Academir
11 Charter Schools. It's only for employees.

12 Q. When did ADP TotalSource begin giving
13 those trainings to Academir Charter Schools'
14 employees?

15 A. From the inception when they were hired
16 to do the payroll and the TotalSource portion of
17 it.

18 Q. And do you know roughly when that was?

19 A. I would say about 15 years. I don't
20 know exactly, but 15 years. They have been there
21 for a long time.

22 Q. And the training that is given to
23 Academir Charter Schools' employees by ADP
24 TotalSource is that an online training or is that
25 in person?

1 A. It's online.

2 Q. And is it that a training that has to be
3 done once an Academir employee starts or does it
4 have to be done on a regular basis?

5 A. I think it has to be done once. I'm not
6 sure if it has to be done over a certain amount
7 of time or renewed, but I'm sure it's only once.

8 Q. Do you know if the training that's given
9 by ADP TotalSource to Academir employees is
10 general training on sexual harassment and not
11 specialized for educational institutions?

12 MS. KARRON: Objection to form.

13 THE WITNESS: I'm not sure.

14 MR. MACDONALD: We'll go ahead and
15 take a break on the record. We can take
16 a ten-minute break.

17 (A brief break was had.)

18 BY MR. MACDONALD:

19 Q. Mr. Mir, does Superior have any policies
20 regarding Title IX?

21 A. I'm sure we do.

22 Q. Do you know for a fact that Superior has
23 Title IX policies?

24 A. I don't know for a fact.

25 Q. Is there someone at Superior that would

1 know for a fact?

2 A. The president would know and Ms. Bernal
3 would know too.

4 Q. The president being who?

5 A. My wife.

6 Q. Why do you say your wife would know if
7 Superior had Title IX policies?

8 A. They're the ones that handle those kinds
9 of policies and procedures for Superior.

10 Q. Do you have any idea where those Title
11 IX policies would be found if they exist?

12 A. No.

13 Q. Does Superior have written policies of
14 any kind?

15 A. Again, they're the ones -- they would
16 know. I don't get involved in those things.

17 Q. You don't know if the company has any
18 kinds of policies?

19 MS. KARRON: Object to form.

20 MR. MACDONALD: You can answer.

21 THE WITNESS: I'm sure they do, but
22 I can't tell you where.

23 BY MR. MACDONALD:

24 Q. Does Superior have an employee handbook?

25 A. I believe so, yes.

1 Q. Where would that employee handbook for
2 Superior employees be located?

3 A. Again, they would know.

4 Q. Do you understand that you've been
5 designated to testify regarding Title IX policies
6 for Superior?

7 A. Yes, I understand.

8 Q. But you don't know if there is any Title
9 IX policies in existence for Superior?

10 MS. KARRON: Object to form.

11 THE WITNESS: I'm sure there are,
12 but I don't know where they are or who
13 would handle them.

14 BY MR. MACDONALD:

15 Q. Is there a physical location where
16 policies for Superior are stored?

17 A. Right here in the main office.

18 Q. What kind of policies are stored in the
19 main office?

20 A. All kinds of policies, school policies,
21 Superior policies. All policies are stored here
22 in the main office.

23 Q. What kind of policies specific to
24 Superior are stored in that office?

25 A. Any policies that pertain to Superior

1 would be stored in this main office.

2 Q. Can you give me an example?

3 A. No. I don't know which policies would
4 be stored here. Like I said, they would know.

5 MS. KARRON: Hey, Kyle, the
6 representative that's appearing tomorrow
7 is Olivia. So for whatever he can't
8 answer, she probably can answer. I'm
9 not sure if I gave you a name, but
10 Olivia Bernal is the one that is going
11 to be appearing.

12 MR. MACDONALD: The only issue --
13 and we can talk about it off the record
14 if you would like, is that she's
15 designated for Academir and he's
16 supposed to be testifying as to Title IX
17 for Superior, but for now we can just
18 move on.

19 BY MR. MACDONALD:

20 Q. Is there any kind of Title IX complaint
21 procedure that you are aware of for Superior?

22 A. No, sir, there is no complaint.

23 Q. What do you mean?

24 A. You asked me if there was any complaints
25 that I was aware of and I'm not aware of any

1 complaints.

2 Q. I'm sorry if I was unclear.

3 Is there any procedure for handling
4 Title IX complaints that Superior has in place?

5 A. I'm sure there are.

6 Q. But you're not aware of any?

7 A. Not aware of. All of that is handled by
8 Ms. Bernal.

9 Q. Have you reviewed any policies with
10 Ms. Bernal for Superior?

11 A. Not me.

12 Q. How do you ensure that Ms. Bernal is
13 properly handling procedures in place for
14 Superior employees?

15 A. I trust that she is.

16 Q. Does Superior have any procedures
17 related to financial reporting?

18 A. No.

19 Q. Does Superior have any policies related
20 to handling any kind of educational records?

21 A. No, that's all done through the schools.

22 Q. Now, you mentioned that there are
23 policies for Superior stored at the office that
24 you're located at; is that right?

25 A. If there are policies, they are stored

1 here.

2 Q. But you do not know for a fact if there
3 are policies for Superior that exist in the
4 office?

5 A. I don't know for a fact.

6 Q. Does Superior have any policies related
7 to Title IX investigations?

8 A. I'm sure they do, but I'm not aware of
9 any.

10 Q. What makes you say that you are sure
11 that they do?

12 A. Because that's their job to do and I'm
13 sure they do their job well.

14 Q. And who is the "they" that you are
15 referring to?

16 A. Chief operating officer, Ms. Bernal.

17 Q. Does Superior have a person who is
18 designated for receiving Title IX complaints?

19 A. That would be Ms. Bernal.

20 Q. And how do you know that?

21 A. Because there would be nobody else that
22 would handle that -- complaints of those types of
23 nature, only her.

24 Q. Do you know if Ms. Bernal has ever
25 handled Title IX complaints in the past?

1 A. Not aware of it.

2 Q. Does Superior have any policies in place
3 regarding sexual harassment?

4 A. I'm sure we do.

5 Q. Do you know for a fact that Superior has
6 policies in place for sexual harassment?

7 A. I know for a fact.

8 Q. How do you know that?

9 A. Because she handles all those things.

10 Q. And who is she?

11 A. Ms. Bernal, the chief operating officer.

12 Q. Have you ever discussed sexual
13 harassment policies with Ms. Bernal?

14 A. No.

15 Q. Have you ever assigned Ms. Bernal
16 responsibility for handling sexual harassment
17 policies for Superior?

18 A. That's part of her job, yes.

19 Q. And has Ms. Bernal created any type of
20 written policies related to sexual harassment?

21 A. I'm sure she has.

22 Q. Do you know for a fact that Ms. Bernal
23 has created any written sexual harassment
24 policies for Superior?

25 A. I believe so, yes.

1 Q. And are those written sexual harassment
2 policies stored somewhere?

3 A. I believe so, yes.

4 Q. Where do you believe that they are
5 stored?

6 A. At corporate offices here.

7 Q. Do you know who created those policies?

8 A. If they were created, they were created
9 by her.

10 Q. Has Ms. Bernal ever written any other
11 policies for Superior?

12 A. I believe so, yes.

13 Q. Do you know for a fact that Ms. Bernal
14 has written any other policies for Superior?

15 A. Yes.

16 Q. What policies are those?

17 A. I'm not sure. She's the one that writes
18 policies for any type of a case.

19 Q. Right, but the question I had asked was
20 whether you know for a fact that Ms. Bernal has
21 written policies for Superior. And I believe you
22 answered in the affirmative. So I was asking:

23 What policies do you know for a fact?

24 A. I know for a fact she writes policies.
25 Am I aware of any that she does? No, I'm not

1 aware of any.

2 Q. Are there any documents that you're
3 aware of that would refresh your recollection as
4 to the policies that are in place for Superior in
5 regards to sexual harassment?

6 A. No, sir.

7 Q. Do you know what the Miami-Dade County
8 schools code of student conduct is?

9 A. No, that is something that the
10 principals and Ms. Bernal would know.

11 Q. So then, Superior does not adhere to
12 Miami-Dade County schools code of conduct?

13 A. Not Superior.

14 Q. So, you're not familiar with any of the
15 policies contained in the Miami-Dade County
16 schools code of conduct then?

17 A. No.

18 Q. Have you ever received any training
19 related to the Miami-Dade County schools code of
20 student conduct?

21 A. No, sir.

22 Q. Are you familiar with the Miami-Dade
23 County Public Schools Office of Civil Rights
24 Compliance?

25 A. I'm familiar with it.

1 Q. What do you know about it?

2 A. Anything having to do with civil rights.

3 Q. What about civil rights in regards to
4 the Office of Civil Rights Compliance are you
5 aware of?

6 A. I've heard about it, but I don't know
7 much about it. I've heard about it.

8 Q. Have you ever contacted the Office of
9 Civil Rights Compliance --

10 A. No, sir.

11 Q. -- before?

12 A. No, sir.

13 Q. Have any employees of Superior ever
14 contacted the Office of Civil Rights Compliance
15 for Miami-Dade County?

16 A. Not that I know of.

17 Q. Do you know if Academir Charter Schools
18 adheres to the Miami-Dade County schools code of
19 student conduct?

20 A. I believe they do.

21 Q. How do you know that?

22 A. Because it's mandatory for them and they
23 are the ones that get the training.

24 Q. Employees of Academir Charter Schools
25 receive training on the code of student conduct?

1 A. No, the principals, the administration
2 of the schools.

3 Q. What kind of training does the
4 administration receive?

5 A. I have no idea.

6 Q. How do you know that they receive
7 training then?

8 A. Because it's mandatory for them to get
9 training on those issues.

10 Q. Who is it mandated by?

11 A. Miami-Dade County Public Schools.

12 Q. Do you know if Miami-Dade County schools
13 mandate that any Superior employees be trained in
14 relation to the code of student conduct?

15 A. No.

16 Q. Are you aware of reporting requirements
17 for employees of Academir in relation to the
18 Department of Children and Families?

19 A. I'm not familiar with it. I know
20 they're required to do so, but I'm not familiar
21 with it.

22 Q. Do you know that employees of Academir
23 Charter Schools are required to do what?

24 A. They're required to report anything to
25 Children and Families pertaining to any student

1 that has any type of complaint or incident that
2 requires that type of reporting, depending on
3 each and every single case independently.

4 Q. Do you know what kind of incidents
5 require reporting to the Florida Department of
6 Children and Families?

7 A. Any incidents that would be of touching,
8 of battery, to any student to another student or
9 from anybody.

10 Q. You said of touching or battery
11 involving students?

12 A. Right.

13 Q. Are incidents of abuse required to be
14 reported to the Department of Children and
15 Families that you're aware of?

16 A. Yes.

17 MS. KARRON: Objection to form.

18 BY MR. MACDONALD:

19 Q. Are employees at Academir Charter
20 Schools required to report allegations of a
21 sexual nature to the Department of Children and
22 Families that you're aware of?

23 MS. KARRON: Objection to forms.

24 MR. MACDONALD: You can answer.

25 THE WITNESS: Depending on the case

1 and depending on what type of incident,
2 they must report.

3 BY MR. MACDONALD:

4 Q. What does it depend on for incidents
5 involving sexual allegations?

6 A. It has to be an incident of touching a
7 student, hitting a student, threatening a student
8 for them to report to children and families.
9 It's a police.

10 Q. Does that include verbal sexual conduct?

11 A. No.

12 Q. And you mentioned threats fall within
13 that reporting requirement; is that right?

14 A. Right.

15 Q. Aren't threats verbal?

16 A. Depending on the department to get
17 advice on whether that occurred, it would be
18 Metro Dade police.

19 Q. It has to be reported you said to the
20 Miami-Dade police?

21 A. Yes, threats must be reported.

22 Q. And do employees of Superior ever
23 receive training related to that reporting
24 requirement for the Department of Children and
25 Families?

1 A. No.

2 Q. Do you know if employees of Academir
3 Charter Schools receive training on that
4 mandatory reporting requirement?

5 A. Yes, they do, by the principal and by
6 the district.

7 Q. Does the principal conduct the training?

8 A. The principal conducts training and the
9 district conducts training too.

10 Q. And when you say district, you're saying
11 the Miami-Dade County School District conducts
12 that training?

13 A. Correct, and also TotalSource.

14 Q. What does TotalSource conduct?

15 A. Give them training on those types of
16 incidents and the reporting for the state to the
17 Department of Children and Families, to the
18 police.

19 Q. Reporting to the Florida Department of
20 Children and Families is covered by ADP
21 TotalSource training?

22 A. Some of it is covered by them, some is
23 covered by the district, and some is covered by
24 the principal.

25 Q. How often does the principal of each

1 respective Academir school give training related
2 to that reporting requirement?

3 A. On a yearly basis.

4 Q. And does that occur at the same time
5 each year? Does it vary?

6 A. Usually at the beginning of the school
7 year.

8 Q. And is this training where all of the
9 teachers are gathered?

10 A. All employees, yes.

11 Q. And the training that Miami-Dade County
12 gives is that also conducted within that same
13 meeting?

14 A. No.

15 Q. When are those done?

16 A. Those are trainings that Miami-Dade
17 County schools does. It's at one of their sites.
18 It varies from place to place.

19 Q. And employees of Academir Charter
20 Schools are required to attend those?

21 A. Yes.

22 Q. How often?

23 A. Yearly.

24 Q. And who verifies that those employees
25 attend those trainings given by Miami-Dade

1 County?

2 A. The principals.

3 Q. So, each principal of each respective
4 Academir Charter School is responsible for
5 ensuring that those trainings are attended?

6 A. Correct.

7 Q. Now, earlier I mentioned my client who
8 we refer to as Jane, do you recall that?

9 A. Yes, sir.

10 Q. Was Jane a student with Academir Charter
11 Schools at any point?

12 A. Yes, sir.

13 Q. When was Jane enrolled with Academir?

14 A. That will have to be answered by the
15 principal. I have no idea when she started in
16 the school. The principal should have that
17 information.

18 Q. Have you ever met my client Jane or her
19 parents?

20 A. No, sir.

21 Q. Have you ever communicated with Jane's
22 parents?

23 A. On January 27th in the morning.

24 Q. January 27th of 2023?

25 A. Yes, sir.

1 Q. How did you communicate with Jane's
2 parents on January 27, 2023?

3 A. I received a call from her mother that
4 she needed to talk to me desperately about an
5 incident that had occurred in the school with
6 another boy and she wanted to meet with me. And
7 we set up a meeting with her that day. I told
8 her I was out of town and I told her I would be
9 back on Monday. And I said we could meet. And
10 she said fine.

11 Q. Was that the first time you communicated
12 with Jane's parents?

13 A. Yes, sir.

14 Q. And you said you received a phone call;
15 is that right?

16 A. Correct.

17 Q. And that was Jane's mother giving you a
18 phone call?

19 A. Yes, sir.

20 Q. And did you miss that phone call?

21 A. No, I received a phone call. I was out
22 of town. I received a phone call. She said she
23 needed to talk to me, referring to an incident
24 that occurred at the school with her daughter,
25 and that if I was able to attend to her.

1 And I said, "Absolutely, I will talk to
2 you, but I'm out of town today."

3 I was out of town when she called me. I
4 was in Tampa, or on my way to Tampa. And we
5 scheduled it for the next Monday. That was
6 Friday the 27th. We scheduled it for Monday at
7 11:00.

8 I would say about 15 minutes later, I
9 recalled that I had a meeting that day in the
10 morning, a conference. And I called her back and
11 said, "Can we change that from 11:15" -- it was
12 supposed to be 11-something. I don't recall. I
13 said, "Can we change it to 4:00 in the
14 afternoon?"

15 She said, "Yes."

16 And I said, "Okay. I'll meet you at the
17 office at 4:00 on Monday." And that was the last
18 that I talked to her.

19 Q. So, stepping back a little bit, you
20 first received that phone call from Jane's mother
21 on the 27th, which was a Friday; is that right?

22 A. Yes, sir.

23 Q. And you said you were in Tampa at that
24 time?

25 A. I was on my way to Tampa.

1 Q. What were you on your way to Tampa for?

2 A. Search of a school -- searching of a
3 school. I was on my way to Tampa searching for a
4 facility in Tampa and then I was on my way to
5 Orlando, another school that I was building in
6 Orlando.

7 Q. You were looking for a facility to host
8 a perspective school in the Tampa area?

9 A. Correct.

10 Q. Where were you when you received that
11 phone call specifically from Jane's mother?

12 A. On the turnpike.

13 Q. And when you first picked up that phone
14 call, what did Jane's mother say to you
15 specifically?

16 A. She said, "Mr. Mir?"

17 I said, "Yes."

18 She said, "This is so-and-so. I had an
19 incident at the school and I need desperately to
20 talk to you."

21 I said, "Fine. What happened?"

22 She said, "Something happened of a boy
23 telling my daughter something and I can't allow
24 that."

25 And I said, "Okay. Fine. We'll meet on

1 Monday. I can't meet now; I'm out of town, but
2 we'll meet Monday and discuss it. And we'll get
3 to the bottom of it."

4 And then she said, "Fine."

5 And then 15 minutes later, like I said,
6 I called her back and said, "I can't do it at
7 11:15. I can do it at 4:00."

8 And she said, "Fine."

9 Q. Jane's mother told you on that phone
10 call that another boy or a boy, rather, had told
11 her daughter something?

12 A. Yes.

13 Q. Did she say what that boy had told her
14 daughter?

15 A. Yes. She said to me that the boy had
16 told her daughter that he wanted to touch her
17 private parts and kiss her in the mouth and that
18 was not acceptable. Those were her words.

19 Q. Jane's mother stated that a boy had told
20 her daughter that he wants to touch her private
21 parts and kiss her in the mouth?

22 A. Yes, sir, that is what she told me.

23 Q. Did she say who that boy was?

24 A. She didn't say.

25 Q. Did she say if that boy was a classmate

1 of her daughter's?

2 A. Yes.

3 Q. And when she told you that you responded
4 by offering to meet on Monday to discuss the
5 issue?

6 A. Yes. She wanted to meet with me. She
7 said, "I want to meet with you and I want to talk
8 to you personally."

9 That's when I said, "We can meet on
10 Monday. I can't meet now. I'm on the road."

11 Q. Did you say anything else to Jane's
12 mother on that phone call?

13 A. No, that was it to her.

14 Q. Did you know how old Jane's -- Jane was
15 at the time of this phone call?

16 A. No.

17 Q. Did Jane's mother say how old her
18 daughter was?

19 A. No, she never said the age of the
20 daughter or anything. Just by seeing the grade,
21 I assumed it's kindergartners.

22 Q. She said that her daughter was in
23 kindergarten?

24 A. Yes.

25 Q. On that phone call did you say what time

1 you would meet with Jane's mother?

2 A. Yes, I did. From the beginning of the
3 first call, I made the appointment for 11:15, if
4 I'm not mistaken. And then I realized I had a
5 conference that day, Monday morning around 11:00.
6 So, I called back and I said, "I have to change
7 that for 4:00 because I have a meeting in the
8 morning."

9 She said, "No problem, 4:00."

10 And I said, "I'll meet you in the office
11 at 4:00."

12 She said, "Fine."

13 Q. Where were you originally scheduled to
14 meet with Jane's mother at 11:15? What was the
15 location?

16 A. At my office.

17 Q. So that's the corporate office of
18 Superior; is that right?

19 A. The corporate office of Superior, that's
20 right, yes.

21 Q. After you got off the phone with Jane's
22 phone call, that initial phone call, did you
23 notify anyone else of what had been reported to
24 you?

25 A. I called the principal right away. I

1 asked her, "What is going on? I received a call
2 from a mother saying that this happened."

3 She said, "I'm aware of it. I'm working
4 on it."

5 And I told her, "Make sure that you do,
6 because I have a meeting with the mother on
7 Monday. She's very upset."

8 Q. And who is the principal that you spoke
9 to?

10 A. Ms. Suzy Bello.

11 Q. And on that phone call Ms. Bello told
12 you that she was already aware of that alleged
13 incident?

14 A. Yes, and that she was working on it.
15 She was taking care of it.

16 Q. Did Ms. Bello say how she was working on
17 it?

18 A. No.

19 Q. Did Ms. Bello say when she had learned
20 of that incident?

21 A. No.

22 Q. Did you discuss with Ms. Bello what
23 specifically had been alleged in relation to the
24 touching of the private parts and the kissing on
25 the mouth?

1 A. I told her. I told her that the
2 complaint that the mother had given me was that
3 another student in the classroom had told her
4 daughter that he wanted to touch her parts and
5 wanted to kiss her in the mouth. And I asked
6 her, "Are you aware of this?"

7 And she said, "Yes I am, and I'm working
8 on it."

9 Q. When you learned of that complaint by
10 Jane's mother, did you contact the Department of
11 Children and Families?

12 A. That's the principal's job to do.
13 That's the principal's duty depending on the case
14 itself, on a case-by-case basis, depending on
15 what type of incident it is and if it requires
16 Department of Children and Families or the police
17 for that matter.

18 Q. It was Ms. Bello's responsibility to do
19 any report if it was necessary.

20 A. That's the principal's job to do.

21 Q. Did you ask Ms. Bello if she reported
22 the incident to the Florida Department of
23 Children and Families?

24 A. Not that day.

25 Q. Did you ask Ms. Bello if she reported

1 the incident to law enforcement?

2 A. I didn't ask her anything that day, just
3 what had happened, and the call that I got from
4 the mother regarding the alleged incident with
5 the child, and what the child told the little
6 girl. And to -- "Make sure you handle it because
7 I have a meeting with the mother. She is very
8 upset." That is all that transpired on the call
9 with Ms. Bello that day.

10 Q. At the time you learned of that
11 incident, did you believe that Ms. Bello was
12 required to report the incident to the Florida
13 Department of Children and Families?

14 A. No, because I didn't know the severity
15 of the case or what the case called for or -- it
16 was a verbal, to me. All I know is when they
17 called me on that it was a verbal incident, a
18 child telling another child, a five-year-old
19 telling another five-year-old.

20 Q. And you didn't believe that kind of
21 verbal incident needed to be reported to the
22 Florida Department of Children and Families?

23 A. It needs to be dealt with, but not with
24 the Florida Department of Children and Families
25 or for the police to investigate.

1 Q. Why do you say that?

2 A. Because that's the procedure. The
3 procedure is if it's verbal, then they deal with
4 the students. They punish who has to be punished
5 and speak to the parents about it.

6 Q. Even if it's a verbal remark that's
7 sexual in nature like this one?

8 A. Yes, the Department of Children and
9 Families wouldn't want to hear that if it's
10 verbal.

11 Q. They wouldn't want to hear that?

12 A. If it's verbal, they don't want to hear
13 it. They won't even investigate it if it's a
14 verbal incident.

15 Q. How do you know that?

16 A. Because that's the rules and regulations
17 of Children and Families, and from prior cases in
18 the schools when there has been verbal abuse,
19 Children and Families don't want to hear about
20 it. The school's principal has to deal with it.

21 Q. What past cases are you referring to?

22 A. Cases in the schools, kids telling kids
23 different things. As much as the principal wants
24 to report it, there's only so much you can do,
25 only so much you can report depending on the

1 severity of the case.

2 Q. And those past cases that you mentioned
3 are those ones that you were involved in or are
4 you speaking generally about past cases you may
5 have heard of?

6 A. Speaking generally of the cases that
7 I've heard of. I don't get involved in those
8 things. Like I said, that's the principal's job
9 to do. I don't govern what the principal does.
10 The principal is the principal of the school.

11 Q. Now, you said after you went to Tampa
12 you traveled to Orlando that weekend?

13 A. Yes.

14 Q. And when did you return back to Miami?

15 A. On Sunday night. I say Orlando, but it
16 wasn't Orlando. It was Osceola County, that's
17 where I put up a school. It's another school in
18 Osceola and that's where I was.

19 Q. And on Monday you realized there was a
20 conflict with your schedule?

21 A. No, not on Monday. The same day, on
22 Friday when she called me.

23 Q. Okay.

24 A. 15 minutes later I realized that there
25 was a conflict. And I called her back and I

1 said, "It can't be at 11:30. Can I meet you at
2 4:00?"

3 And she said, "No problem."

4 I said, "Fine. I'll meet you at the
5 office at 4:00."

6 Q. What was the conflict at you had at
7 11:30?

8 A. I had a Zoom meeting.

9 Q. With who?

10 MS. KARRON: Object.

11 THE WITNESS: I don't recall. It's
12 been a year-something. I don't recall
13 exactly. I have one every day. I have
14 about 10, 15 every day.

15 BY MR. MACDONALD:

16 Q. Do you keep a calendar of meetings that
17 you attend?

18 A. No, sir.

19 Q. You don't have any kind of calendar?

20 A. No, sir. These are meetings between the
21 schools and the principals and things that they
22 need, and things they want to do for the school,
23 and things like that, which in the past we used
24 to do it in person, but now that we have Zoom, we
25 do it on Zoom.

1 Q. And you don't recall who that meeting
2 was with?

3 A. I don't recall what school it was or who
4 it was with.

5 Q. And was the location of that Monday
6 meeting at 4:00 p.m. going to be the same?

7 A. Yes, sir.

8 Q. And did you end up meeting with Jane's
9 mother at 4:00 p.m. that day?

10 A. No. I waited for her all day. I called
11 the schools at about 5:00 in the afternoon. And
12 I asked the schools, "Is the mother there? Did
13 the mother go there?"

14 "No. She didn't show up there."

15 Q. Who did you call?

16 A. I called Susie Bello. I called the
17 primary learning center where the daughter's
18 school is. No one had seen the mother. At
19 around 7:00 p.m. there was a text sent to my
20 wife's phone, not mine, saying, "I called the
21 school and you were nowhere to be found."

22 I called back -- we text her back and
23 said, "We were there all day waiting for you in
24 the office since 4:00. You never showed up."

25 She said, "Thank you for the late call,

1 but I just withdrew my daughter out of the
2 school."

3 And we told her, "We're sorry you had to
4 do that without talking to us, but you have to do
5 what is in the best interest of your daughter."

6 Q. When you called to see about this
7 meeting you spoke to Susie Bello; is that right?

8 A. Yes.

9 Q. And you said you called the primary
10 learning center school?

11 A. Yes, sir.

12 Q. Who did you speak to at the school?

13 A. At the school, I didn't talk to Susie
14 Bello at the school, I spoke to the -- I spoke to
15 the secretary on site. And I called the primary
16 learning center where her daughter is. And I
17 spoke to Ms. Sol (phonetic), she's the school
18 receptionist and I asked her, "Has the mother
19 been there? Has the mother been asking?"

20 She said, "No. I haven't seen the
21 mother."

22 Q. You spoke to Ms. Sol and you said a
23 receptionist?

24 A. Ms. Sol is the receptionist.

25 Q. It's the same person?

1 A. Yes.

2 Q. So, if I understand you correctly you
3 did not speak to Susie Bello?

4 A. No, not to Susie Bello. I spoke to
5 Susie Bello's secretary.

6 Q. And that's Ms. Sol?

7 A. Yes.

8 Q. And did you speak with anyone else to
9 see about this meeting with Jane's mother besides
10 Ms. Sol?

11 A. No, I stayed in the office until
12 7:00 p.m. waiting. Nobody showed up.

13 Q. You waited at your office from 4:00 p.m.
14 to 7:00 waiting for her to show up?

15 A. Yes, sir.

16 Q. Did you have Jane's mother cell phone
17 number?

18 A. No.

19 Q. How did Jane's mother contact you on
20 that Friday?

21 A. Via phone.

22 Q. So wouldn't you still have her phone
23 number on Monday, three days later?

24 A. I didn't have my phone with me that day.
25 Like I said, she was texting my wife's phone.

1 Q. You didn't have your phone with you that
2 Monday?

3 A. No, sir.

4 Q. Where was your phone?

5 A. I left it at home. That's why I
6 contacted the school and asked the school, "Is
7 the mother there?"

8 Q. Your phone was at home the entire day on
9 that Monday?

10 A. Yes, sir.

11 Q. How did you call Ms. Sol if you didn't
12 have your phone?

13 A. I called from my office.

14 Q. And that's an office landline I imagine?

15 A. Yes, sir.

16 Q. Did you consider asking anyone at the
17 school for Jane's mother's phone number?

18 A. No, I was so involved waiting for her --
19 I just sat there waiting. I did tell the schools
20 if she shows up, I'm waiting for her. And she
21 never showed up according to the schools.

22 Q. According to Ms. Sol?

23 A. According to Ms. Sol, yes.

24 Q. Did anyone else tell you that she never
25 showed up?

1 A. No.

2 Q. And you said that later that evening
3 Jane's mother contacted your wife?

4 A. She had sent a text from -- prior to
5 7:00. We returned the text to her. She had sent
6 a text saying she was waiting for us and we never
7 showed up. Apparently she thought we were going
8 to meet at the school.

9 We said, "We were waiting for you in the
10 office all afternoon."

11 She said, "Thank you for the late call.
12 I appreciate you calling me, but I withdrew my
13 daughter already from the school."

14 And my wife expressed to her, "I'm sorry
15 you had to do that before talking to us, but you
16 have to do what's in the best interest of your
17 daughter. We understand."

18 Q. And was that a text message or a phone
19 call?

20 A. A text message.

21 Q. And was that text message sent to your
22 phone or to your wife's phone?

23 A. It was sent to my wife's phone.

24 Q. And when did your wife notify you about
25 that text message?

1 A. Instantly when she saw it. We were both
2 sitting there waiting for her and she looked at
3 the text and saw it and that's what we responded.

4 Q. You and your wife were together?

5 A. Yes, sir.

6 Q. Where were you?

7 A. In Superior.

8 Q. In the offices of Superior?

9 A. Yes, we were sitting in the conference
10 room.

11 Q. Was it after 7:00 p.m. that she received
12 that text message?

13 A. No, the text messages were before. I'm
14 not sure what time, but it was before. We just
15 didn't see the text messages until about 7:00.

16 Q. So, your wife had received the text
17 message prior to 7:00 p.m. but you and her did
18 not see it until after 7:00 p.m.?

19 A. Correct.

20 Q. And when your wife notified you about
21 that text message, she responded back with a text
22 message?

23 A. Yes, sir.

24 Q. And it was within that exchange that
25 Jane's mother said she was withdrawing her

1 daughter from that school?

2 A. Yes, sir. She thanked her for the late
3 response and that -- to advise her that she
4 had -- "Thank you for the late response, but I
5 have withdrawn my daughter from the school."
6 That is when I found out that the daughter was
7 withdrawn from the school by her telling me.

8 Q. What was your reaction to the news?

9 A. I was shocked because I usually listen
10 to the parents. I like to talk to the parents.
11 And I like to see what's happening, what happened
12 to the girl. I like to get to the bottom of
13 everything. She didn't give me the opportunity
14 to do that.

15 Q. Did you call Jane's mother when she told
16 you that?

17 A. No, we simply responded -- we
18 acknowledged, "We're sorry that you did this, but
19 I guess you have to do what is in the best
20 interest of your child."

21 Q. Did you ask to speak to Jane's mother to
22 gather additional information about what had
23 occurred?

24 A. No, that was going to be done at the
25 meeting.

1 Q. But once you learned that Jane's mother
2 was planning on withdrawing her daughter, did you
3 consider reaching out to her to get additional
4 information about what had been alleged?

5 A. I didn't find out that she was trying to
6 remove the daughter; I found out that she did.
7 She called me and told me, "I have withdrawn my
8 daughter. Thank you for your late text. I have
9 withdrawn my daughter from the school."

10 Q. But you didn't consider meeting with her
11 to gather additional information about this other
12 student that was alleged to have made these
13 sexual comments?

14 MS. KARRON: Objection. Asked and
15 answered.

16 MR. MACDONALD: You can answer.

17 THE WITNESS: Based on the
18 comments, I would have loved to talk to
19 her about it, but I didn't see the
20 urgency based on the comments -- on the
21 comments made by the child, by the two
22 kids.

23 BY MR. MACDONALD:

24 Q. You didn't see the urgency?

25 A. On a verbal incident? I don't like it,

1 but I don't see the urgency for that and she had
2 withdrawn the daughter.

3 Q. You didn't see the urgency with a
4 five-year-old making the remarks about touching
5 another child's genitals?

6 MS. KARRON: Object to form.

7 MR. MACDONALD: You can answer.

8 THE WITNESS: I didn't see the
9 urgency of asking the mother for any
10 more information based on the fact that
11 she had withdrawn her daughter.

12 BY MR. MACDONALD:

13 Q. At this time did you know who the other
14 student was that was alleged to have made these
15 remarks?

16 A. No. I knew it was a student from her
17 class, but I didn't know who the student was.

18 Q. Were you concerned that this other
19 student might be posing some kind of risk to
20 other students in the classroom?

21 A. It's always a concern and I followed up
22 with the principal and everything.

23 Q. When did you follow up with the
24 principal?

25 A. The next day.

1 Q. On that Tuesday?

2 A. On Wednesday -- Monday was teacher
3 planning day, so there was no school, no office.
4 So on Tuesday is when I got this information from
5 the mother and on Wednesday I followed up with
6 the principal.

7 Q. And was that a phone call?

8 A. Yes, sir.

9 Q. And what did you discuss with Ms. Bello
10 on the phone call?

11 A. I told Ms. Bello, "The mother has
12 withdrawn the daughter from the school, what went
13 on there?"

14 And she told me the same thing, that it
15 was a verbal threat to the girl and the mother
16 wasn't happy, the husband wasn't happy either.
17 And right after that she told me she had to go to
18 the school because the police were there at the
19 school investigating the case, called by the
20 father, so she went to the school to deal with
21 the police and the father.

22 Q. The police came to investigate on that
23 Wednesday?

24 A. Yes.

25 Q. Did Ms. Bello tell you what occurred

1 with the police?

2 A. Yes. Afterwards, she called me and told
3 me that the police was there. The father had
4 called the police. And the police met with the
5 father at their home, and then they came to the
6 school and explained to the principal that the
7 father's concern from the beginning was to have
8 the child removed from the school immediately.
9 That is something we cannot do. There is
10 policies and procedures with the district. You
11 can't just do that. And that the father wanted
12 to see the video, which is something we can't do
13 either due to policies. And that the father said
14 that he wanted the police officer to order the
15 principal to see the video.

16 The police officer said, "I can't
17 obligate the principal to do any of those things.
18 I can't obligate the principal to throw the other
19 boy out of the school. If you are concerned
20 about this, then you can file a complaint, and we
21 can have an investigation. I would have to call
22 a detective in to perform an investigation."

23 At that point, the father told the
24 police officer that he doesn't want to
25 investigate anything. He doesn't want any

1 detectives, he just wants the boy to leave the
2 school.

3 And the police officer said, "Yeah, I'm
4 sorry. We can't do that. We can't order her to
5 do that." And that was it.

6 Q. And Ms. Bello told you this that same
7 day after she had spoken to these police
8 officers?

9 A. Yes, sir.

10 Q. And did she say what agencies those
11 police officers were from?

12 A. Miami-Dade County.

13 Q. Did you speak to any of these police
14 officers?

15 A. No, sir.

16 Q. Do you know if the other student who
17 we'll refer to as L.R. if his parents were ever
18 notified of this incident?

19 A. I'm not aware of nothing with the other
20 student.

21 Q. Did Ms. Bello discuss anything related
22 to that other student L.R. with you?

23 A. She had a meeting with the mother and
24 the father of that other student just like she
25 had a meeting with Jane's parents, but that was

1 all, made him aware of the situation and was
2 verbally reprimanded. I believe the boy
3 apologized for his words and that's all I know
4 about the other boy.

5 Q. Did Ms. Bello say when she met with that
6 student?

7 A. No.

8 Q. I'm sorry, that student's parents,
9 rather?

10 A. No.

11 Q. When you spoke with Ms. Bello, was there
12 ever any concerns that L.R., that student might
13 be subjected to abuse based on those comments he
14 had made?

15 MS. KARRON: Objection to form.

16 THE WITNESS: So, one of the
17 questions that I asked her at the
18 beginning when we started the
19 conversation was, "What type of child is
20 he? Does he have any problems? Is he
21 that type of child?"

22 And the answer was, "No. He's a
23 good student."

24 BY MR. MACDONALD:

25 Q. And that student was in kindergarten as

1 well; right?

2 A. Yes, sir.

3 Q. So, that student L.R. would have been
4 roughly five years old?

5 A. Yes, sir.

6 Q. In your experience being involved with
7 Academir Charter Schools is it normal for a
8 five-year-old to make comments regarding touching
9 another student's genitals?

10 MS. KARRON: Objection to form.

11 Calls for speculation.

12 MR. MACDONALD: You can answer.

13 THE WITNESS: Kids at that age make
14 all sorts of comments.

15 BY MR. MACDONALD:

16 Q. Kids of that age make sexual comments in
17 your experience?

18 A. They make comments, make sexual
19 comments, they do that type of -- sometimes they
20 learn by it. They are discovering, so they do
21 those things.

22 Q. They learn by discovering, what do you
23 mean by that?

24 A. Not that they learn by discovering, but
25 children at that age say things and they want to

1 discover things and they say things like that.
2 It's not uncommon for a child at that age to say
3 things like that.

4 Q. Was there any investigation conducted in
5 regards to what had been alleged by Jane's
6 parents?

7 A. The school did their investigation and
8 it was concluded that it occurred.

9 Q. What was that investigation comprised
10 of?

11 A. The principal's investigation and the
12 police.

13 Q. Do you know what Ms. Bello did in
14 regards to that investigation?

15 A. I don't know what type of investigation
16 she did or who she spoke to. She did an
17 investigation.

18 Q. Do you know if Ms. Bello interviewed any
19 witnesses?

20 A. I'm not aware of that. She can probably
21 answer that for you.

22 Q. Do you know if Ms. Bello had Jane
23 evaluated by any guidance counselors, anything
24 like that?

25 A. The day she met with the parents and the

1 police, she was supposed to be seen with the
2 psychologist at the school, but she had no
3 opportunity to do so. He had released her from
4 the school.

5 Q. Who was the psychologist at the school?

6 A. I don't recall who the psychologist at
7 that school is, but Ms. Bello offered it to the
8 parents. Not only did she offer the psychologist
9 to see the daughter, but she offered to move the
10 daughter to another classroom, but he simply just
11 removed her from the school.

12 Q. Ms. Bello offered to move the daughter
13 to another classroom?

14 A. Yes, her daughter or the boy; someone
15 was going to be moved out of the classroom.
16 That's what she offered him, but she specifically
17 told him she can't get rid of the child for those
18 things, which was his interest. His interest was
19 to remove the child from the school completely,
20 the other boy, not the girl.

21 Q. So, Ms. Bello offered to have Jane move
22 to another classroom?

23 A. The father refused because the father
24 said that he didn't want his daughter to get away
25 from her friends or from her studies in that

1 class that she loved.

2 Q. I thought previously you had told me
3 that there are policies that wouldn't allow a
4 child to be separated from the classroom?

5 A. I didn't say anything about a classroom.
6 I said a child could not be removed from the
7 school, throw them out in other words.

8 Q. I see.

9 A. That was his interest.

10 Q. And Jane's father wanted this other
11 student, L.R., to be moved to another classroom
12 and not Jane; is that right?

13 A. No. He didn't want L.R. to be removed
14 from the classroom. He wanted L.R. to be removed
15 completely from Academir Charter Schools. In
16 other words, "Tell the parents of L.R. to take
17 him home and don't bring him back."

18 Q. Did Ms. Bello offer to have that
19 student, L.R., moved to another classroom?

20 A. She offered him to move L.R. or to move
21 his daughter from the classroom so they wouldn't
22 be together any longer. He didn't want that.

23 Q. Ms. Bello made both offers to Jane's
24 father?

25 A. Yes.

1 Q. And he rejected?

2 A. He rejected.

3 Q. Where would Jane have been moved to had
4 they accepted that proposal?

5 A. The most I could say is to another
6 school, I don't know where exactly because she's
7 the one that puts them in different classrooms.
8 I don't know how many kindergarten classes she
9 has there, or anything like that, but it would be
10 to another classroom in the building. There are
11 several kindergarten classes.

12 Q. Did Ms. Bello say when she offered to
13 have the children separated when she spoke with
14 Jane's father?

15 A. That was during the first meeting when
16 the parents came in and filed the complaint.
17 There was another meeting after that and that's
18 when Ms. Bello offered him when he said he wanted
19 the child out of the school. She said, "I cannot
20 do that. By policy, I cannot do that but I can
21 do this for you."

22 Q. Are you aware of any documents that
23 would show that Ms. Bello had given that option
24 to Jane's father?

25 A. No, I'm not aware of any documents.

1 Q. And you said the school conducted an
2 investigation about this incident; is that right?

3 A. Correct.

4 Q. Was that investigation documented
5 anywhere that you are aware of?

6 A. I'm sure she has all documents, yes.

7 Q. But are you aware of any documents
8 specifically?

9 A. No.

10 Q. And you also mentioned video camera
11 footage; is that right?

12 A. Correct.

13 Q. And Jane's parents wanted to see that
14 video camera footage?

15 A. Correct.

16 Q. Did they say why they wanted to review
17 that video camera footage?

18 A. I don't know. They told that to the
19 principal. I don't know what the purpose was to
20 see the video, but that's what they told the
21 principal and that could not be done.

22 Q. Why can that not be done?

23 A. In relation to the other students and
24 their parents they have to approve for that video
25 to be shown to anybody else and we don't do that,

1 only to law enforcement and during an ongoing
2 investigation.

3 Q. Is that policy written anywhere?

4 A. Miami-Dade County -- I believe it is.
5 Miami-Dade County Public Schools.

6 Q. That's a Miami-Dade County policy?

7 A. I believe so, yes.

8 Q. Did Academir Charter Schools adhere to
9 all Miami-Dade County Public Schools policies?

10 A. They must.

11 MS. KARRON: And I'm going to
12 object to form.

13 BY MR. MACDONALD:

14 Q. Would that include the code of student
15 conduct that I had asked you about earlier?

16 A. Yes, sir.

17 Q. Because I believe previously you stated
18 that they did not adhere to that policy, unless
19 I'm incorrect?

20 A. No. No. Miami-Dade County -- Academir
21 Charter Schools and all charter schools must
22 adhere by Miami-Dade County policies.

23 Q. And is that also true for Superior as
24 the management company for Academir?

25 A. Not Superior. Superior has nothing to

1 do with Miami-Dade County.

2 Q. Do you know if Academir Charter Schools
3 reported the incident reported by Jane's parents
4 to the county?

5 A. I believe they did, yes.

6 Q. Who in the county did they report that
7 incident to?

8 A. It would be the charter schools section
9 of Miami-Dade County schools.

10 Q. And is there a person that's responsible
11 for that, that charter school section?

12 A. There are several people, but the
13 principal is the one that calls and talks to that
14 section of the Miami-Dade County Public Schools.
15 I can give one name, Gina Kash (phonetic) is one
16 of them, probably. I don't know if she spoke to
17 that particular person. She would best
18 answer that. The principal would best answer who
19 she spoke to.

20 Q. Do you know if anyone from Academir
21 Charter Schools reported it in writing to
22 Miami-Dade County?

23 A. I don't know. I couldn't tell you if it
24 was in writing or verbal, but they must report
25 it.

1 MS. KARRON: Are we going to break
2 for lunch?

3 MR. MACDONALD: We can go ahead and
4 go off the record.

5 (A brief break was had.)

6 BY MR. MACDONALD:

7 Q. At any point did Jane's parents allege
8 that this incident between L.R. and Jane involved
9 actual physical touching?

10 A. The second time they spoke to the
11 principal, they came back to the principal saying
12 that -- actually, first they told the principal
13 that it wasn't verbal, that he had touched her
14 private parts and kissed her in the mouth. That
15 was the second meeting -- the first -- all we
16 knew was that there was a verbal comment made to
17 the girl. We went by that.

18 When the father came in for the second
19 time to speak to the principal, that wasn't the
20 case. The case was he had touched her in the
21 private parts and kissed her in the mouth.

22 Q. And when was that discussion?

23 A. Must have been before the 27th. I don't
24 know exactly when that was when they told the
25 principal that.

1 Q. And when did you become aware that
2 Jane's father had alleged that it was actual
3 physical touching that occurred?

4 A. The day that the principal advised me
5 that the police was on site wanting to talk to
6 them.

7 Q. And once you learned of that allegation
8 by Jane's father, did you contact the Florida
9 Department of Children and Families?

10 A. Once again, that is the principal's job
11 to do. I believe that they had withdrawn the
12 child already. I believe. I'm not sure.

13 Q. Do you know if Ms. Bello or anyone else
14 from Academir Charter Schools contacted the
15 Florida Department of Children and Families once
16 Jane's father had made that allegation of
17 physical touching?

18 A. I believe -- I don't believe they did
19 based on the facts of the police not finding
20 anything and closing their case.

21 Q. You believed that no one contacted the
22 Florida DCF because the police investigation did
23 not uncover anything?

24 A. I believe that is what the principal had
25 in her report or that's what she reported to me.

1 Q. At any point did Ms. Bello or anyone
2 from Academir Charter Schools discuss Jane making
3 an allegation directly to a staff or faculty
4 member at Academir?

5 A. Yes. According to the principal, there
6 was a statement made by the child to the PE
7 teacher. The PE teacher then passed it on the
8 teacher.

9 Q. How did you become aware of this?

10 A. Because when I called Ms. Bello to find
11 out what was going on and to let me know what had
12 happened, who had said what, and who had done
13 what. And that's when she said to me.

14 Q. And what did Ms. Bello say that Jane had
15 reported to her PE teacher specifically?

16 A. That the boy had told her that he wanted
17 to touch her parts, kiss her in the mouth, and
18 touch her titties. She said that to the PE
19 teacher, to the teacher, to the vice principal,
20 and to the counselor.

21 Q. And when you say counselor who is that?

22 A. The school counselor, and Ms. Bello had
23 the school counselor talk to the child.

24 Q. What is the counselor's name?

25 A. I don't know. I'm not familiar with the

1 employees' names. There's a lot of them.

2 Q. When did Jane speak with the guidance
3 counselor?

4 A. I believe it's a female and the second
5 date, second date of the report. The incident
6 occurred -- the incident report was written, it
7 was told to the parents when they arrived at the
8 school in the afternoon. The parents signed it,
9 the mother signed the incident report. The next
10 day is when all this takes place.

11 Q. Did Ms. Bello ask the counselor to meet
12 with Jane?

13 A. I believe so, yes.

14 Q. Do you know if there were any notes from
15 that meeting between the counselor and Jane?

16 A. I believe so. I'm not sure, but I
17 believe so.

18 Q. Why do you believe so?

19 A. Because if the counselor meets with a
20 child, she has to do her reports, so I'm assuming
21 she reported everything.

22 Q. The counselor is required to?

23 A. Yes.

24 Q. And where are those reports stored?

25 A. At the school with the principal.

1 Q. And is there a particular form or
2 anything that is used for those counselor
3 reports?

4 A. I couldn't tell you. I'm not aware of
5 it.

6 Q. Would Ms. Bello be aware of those
7 reports and where they're stored?

8 A. Yes, she would.

9 Q. Now, earlier you said there was an
10 investigation conducted by Academir; right?

11 A. Yes.

12 Q. Was there a separate investigation
13 conducted by Superior?

14 A. No. Superior relies on the school to do
15 the investigations and the reportings.

16 Q. And who was ultimately responsible for
17 handling and conducting that investigation for
18 Academir?

19 A. The principal.

20 Q. And what was the final outcome of that
21 investigation conducted by Ms. Bello?

22 A. Based on the allegations -- at the
23 beginning allegations of when the child
24 verbally -- there was no findings. They spoke to
25 the child. The child said that he said it and

1 that he was apologizing. And the child was
2 reprimanded. The parents were brought in. They
3 had -- the principal spoke with the parents. The
4 first time they spoke to the parents.

5 Then the second time the story changed
6 to touching.

7 And then the third time the father came
8 in upset to the offices and had a meeting with
9 the vice principal. It got heated with the vice
10 principal because the parent was changing the
11 story to not only did he touch her, he licked her
12 in her parts, and touched her titties and kissed
13 her in the mouth. And then the father got upset
14 when the vice principal had a conversation with
15 him and called the vice principal a cunt and left
16 the school. He was told to leave the school.

17 He called the principal several times to
18 talk to her and the principal said, "I can't talk
19 on the phone. If you want to see me, you have
20 got to come to the school."

21 And he wanted to show the principal a
22 video that he took at home. The vice principal
23 said, "I don't see videos you took at home.
24 Please don't send them to me." And that was it.

25 After that, he took the child out of the

1 school.

2 Q. Now you said Jane's father called
3 someone a cunt?

4 A. He called the assistant principal a
5 cunt. That she didn't know what she was doing
6 and she was a cunt.

7 Q. How do you know that?

8 A. It was told me to by the principal and
9 the vice principal and the staff. It happened at
10 the primary learning center where the child
11 attended.

12 Q. You weren't there for that meeting
13 though; correct?

14 A. No, sir. No, sir.

15 Q. Now, you said at one point was it
16 Ms. Bello who met with L.R.'s parents and the
17 student as well?

18 A. Yes, that's what I have been told.

19 Q. And you were told in that meeting that
20 the student L.R. admitted to making those verbal
21 comments but not to physical touching?

22 A. Yes, he did. He said he made those
23 comments and he was apologizing to the girl for
24 it.

25 Q. Was that student L.R. disciplined or

1 reprimanded for what had occurred?

2 A. Yes, he was disciplined and the parents
3 were brought in and they were told and he was
4 disciplined.

5 Q. And how was he disciplined?

6 A. I have no idea what the code of conduct
7 for that type of behavior is, but the principal
8 does know.

9 Q. Now, you also mentioned a video that
10 Ms. Bello did not want to see?

11 A. Yes. The father said he had made a
12 video of the girl in the bathtub saying
13 something. And he was going to show Ms. Bello.
14 And Ms. Bello said, "I'm not interested in seeing
15 anything that happened at home. Don't show me
16 the video. I don't want to see that video. That
17 does not pertain to this."

18 Q. Did Jane's father say what was contained
19 in the video specifically?

20 A. No, he just said to her -- this is what
21 I've been told by the principal. "You need to
22 see this video of my daughter in the bathroom,
23 what she said in the bathroom."

24 And Ms. Bello said, "I don't want to see
25 the video. Don't show me no video. I don't need

1 to see the video."

2 Q. Why?

3 A. Because she was in the bathtub, that's
4 why she didn't want to see the video.

5 Q. And Ms. Bello told you that?

6 A. Yes, sir.

7 Q. Now, earlier we had discussed the
8 reporting requirements involving the Florida
9 Department of Children and Families; do you
10 recall that?

11 A. Yes, sir.

12 Q. And in regards to the verbal allegations
13 of sexual misconduct, you did not believe that
14 was something that DCF would be interested in
15 handling or addressing?

16 A. It's not that I don't believe in it.
17 It's -- I've been told by the principal that
18 Children and Families will not respond or do any
19 investigation based on a verbal threat or a
20 verbal incident.

21 Q. And who told you that?

22 A. The principal.

23 Q. And what about cases where there is both
24 alleged verbal conduct and alleged physical
25 conduct like in the case of Jane?

1 MS. KARRON: Objection to form.

2 THE WITNESS: Do I respond?

3 MR. MACDONALD: Yes, you can
4 respond.

5 THE WITNESS: I would assume that
6 in that case they should have filed a
7 report with the Department of Children
8 and Families and the police, but the
9 police had been filed. And the police
10 didn't find any evidence and the child
11 was removed from the school.

12 BY MR. MACDONALD:

13 Q. But did you believe that any Academir
14 school employees had an obligation to report the
15 alleged conduct to the Florida Department of
16 Children and Families?

17 A. I believe that we're supposed to look
18 out for these kids. We're supposed to be their
19 watchdog at all times in the school, but it all
20 depends on the incident, what type of incident,
21 and what type of evidence and, you know, what the
22 school has to go on to those things. You can't
23 just call them and tell, because they're not
24 going to do anything about it.

25 Q. What do you mean they're not going to do

1 anything about it?

2 A. They won't investigate unless it's
3 something that merits an investigation from the
4 Department of Children and Families. And they
5 say this type of behavior, verbal, it's not
6 investigated. It's dealt with by the school.
7 It's a school issue. And remember, all this was
8 based on a verbal incident, a verbal incident up
9 to the very end.

10 MR. MACDONALD: I'd like to show
11 you a document. We're going to mark it
12 as Plaintiff's Exhibit 2. And it's
13 Plaintiff's Bates labeled DCF 1
14 through 14.

15 (Plaintiff's Exhibit No. 2 was
16 marked for identification.)

17 BY MR. MACDONALD:

18 Q. I'll give you a moment to review this
19 first page here.

20 A. Okay.

21 Q. Okay. I'll give you a chance to review
22 the second page.

23 A. Okay. This is the first time I see
24 this.

25 Q. This is the first time you see this

1 document?

2 A. Yes, sir.

3 Q. Were you aware that Jane's parents
4 contacted the Florida Department of Children and
5 Families?

6 A. No, sir.

7 Q. Were you aware that the Florida
8 Department of Children and Families did in fact
9 investigate what had been alleged?

10 A. No, sir.

11 Q. Now, looking at the text under that
12 narrative section, do you see those two
13 paragraphs?

14 A. Yes.

15 Q. Are those allegations contained in the
16 narrative consistent with what was reported to
17 Superior and Academir based on what you're aware
18 of?

19 A. No.

20 Q. And what is different about that
21 statement from what you believe was reported?

22 A. His narrative is saying there was a
23 sexual abuse by , and he used his tongue to
24 lick Jane's breast, vagina, and anus and lifted
25 her skirt and licked her chest. And it occurred

1 without Jane's consent. And the only thing we
2 knew was that he verbally told her that he wanted
3 to do the touching of the parts, the kissing of
4 the mouth, and touching the titties. And it says
5 here also that he pulled up Jane's skirt. Jane
6 wasn't wearing a skirt that day. She was wearing
7 pants.

8 Q. You said -- Jane. I'm going to refer to
9 her as Jane -- well, I guess the report says it,
10 so it doesn't make a difference either way, but
11 Jane was wearing a skirt, you said?

12 A. That's what the report says here; Jane
13 was wearing pants. It was a Friday, and on
14 Friday it's jeans day. And she was wearing
15 jeans. Actually, according to the principal,
16 she's always wearing jeans or some type of
17 leggings.

18 Q. How do you know what Jane was wearing on
19 a particular day?

20 A. Because on Friday it's jeans day for all
21 the kids and I was told by the principal she was
22 wearing jeans in the classroom.

23 Q. And on what day was this?

24 A. On Friday. Friday is jeans day for all
25 the kids.

1 Q. And was this particular Friday the same
2 day that Jane had made the report to the PE
3 teacher?

4 A. Correct.

5 Q. So, are you saying that that led
6 Ms. Bello or you to believe that what Jane was
7 alleging wasn't accurate?

8 MS. KARRON: Object to form.

9 That's not what he said.

10 MR. MACDONALD: You can go ahead.

11 THE WITNESS: I don't know. I
12 don't know about Ms. Bello, but the
13 incident report here written by the
14 Department of Children and Families says
15 he pulled up a skirt and that tells me
16 it's wrong because there was no skirt.

17 BY MR. MACDONALD:

18 Q. There was no skirt as in referring to
19 the bottom half that someone wears?

20 A. Correct.

21 Q. When you look at the statement doesn't
22 it say Jane's "shirt"?

23 A. You're correct, it says "shirt." It
24 also says it's not known where a school staff was
25 at the time. Well, the teacher was in the

1 classroom at all times.

2 Q. At all times when?

3 A. When they were in the classroom.

4 Q. While Jane was in the classroom on that
5 Friday?

6 A. Yes, sir.

7 Q. Were you there on that day?

8 A. No, I'm not there, but the teachers are
9 in the classroom at all times with the students.
10 They're not alone. And according to the video we
11 have of the classroom, the teacher was there.

12 Q. Do you see on this page under "Special
13 Condition Response Summary"?

14 A. Yes.

15 Q. Do you see where it says, "The parents
16 believe that the school did not act properly in
17 handling the incident"?

18 A. I see it.

19 Q. Do you believe that Academir handled the
20 incident involving Jane properly?

21 A. I believe so. Based on what the
22 evidence was and what they had to go on, they
23 acted proper.

24 Q. And do you believe that Superior in its
25 role as the management company handled the

1 incident properly involving Jane?

2 A. According to the responsibilities of
3 Superior, yes.

4 Q. What are the responsibilities of
5 Superior that you're referring to?

6 A. It's the principal's call. It's the
7 principal's reporting, and the principal is the
8 one that has to do all the types of reporting and
9 all types of investigations on cases like this,
10 and then they send us their findings.

11 Q. And based on that you believe Superior
12 handled the incident properly involving Jane?

13 A. Yes, sir.

14 Q. And do you see the paragraph that is
15 under "Narrative" on this page that I'm showing
16 you?

17 A. Yes, sir.

18 Q. And do you see where it says, "She is
19 concerned that the alleged perpetrator will do
20 this again to another classmate"?

21 A. Yes, sir.

22 Q. At any point were you concerned that
23 another incident concerning L.R. would occur?

24 MS. KARRON: Objection to form.

25 MR. MACDONALD: You can answer.

1 THE WITNESS: No, I didn't have a
2 concern of it, due to the nature of the
3 incident, due to their age. I didn't
4 have a concern. I didn't like it. I
5 didn't like that incident, but I didn't
6 find a concern for it.

7 And I see here that it says the
8 mother of feels like nothing has
9 been done with this case. She believes
10 there should have been an investigation.

11 The father was given the
12 opportunity by Metro Dade police to
13 launch an investigation with detectives
14 and the father declined. He said he
15 didn't want an investigation.

16 So, as a father I would have gotten
17 an investigation by everybody.

18 BY MR. MACDONALD:

19 Q. How do you know that?

20 A. Because he has told that to the police
21 and the police told us.

22 Q. The police told you?

23 A. The police told us in the report.

24 Q. The police in their report said that the
25 father declined to launch an investigation?

1 A. The police officer didn't report it
2 to -- told the principal that she offered the
3 father if he wanted to launch an investigation,
4 she would have to call detectives so they can
5 perform the investigation properly. He said he
6 didn't want any detectives. Those were his
7 words. He didn't want any detectives. He just
8 wanted the child to be thrown out of the school.

9 As to the mother's comment, I would
10 say -- I would have launched an investigation
11 immediately being the father.

12 Q. You don't think Jane's parents made an
13 effort to launch an investigation when they
14 contacted the Florida Department of Children and
15 Families?

16 A. I don't think they made an attempt to
17 launch an investigation with the police
18 department. The police department was there.
19 They asked them if they wanted to launch an
20 investigation, which they didn't -- which he
21 didn't.

22 Q. Are you aware that the Florida
23 Department of Children and Families also has the
24 ability to refer incidents to law enforcement?

25 A. I'm aware of it. And it starts with the

1 police first. The police decides if there is a
2 case to call Children and Families, they act
3 first. If the father would have claimed it, the
4 police would have reported it to Children and
5 Families themselves and an investigation would
6 have been launched by Miami-Dade County police.

7 Q. Now going back to this first page
8 briefly -- strike that.

9 Do you see on this page here the
10 paragraph under "Narrative"?

11 A. Uh-huh.

12 Q. And do you see where it says, "CPI spoke
13 with sexual crimes unit regarding the case and
14 they stated that they were not going to
15 investigate this case. Sexual crimes unit
16 advised CPI to contact the school board resource
17 officer so that they could generate a case"?

18 A. I see it.

19 Q. Based on that does it sound like the
20 Florida Department of Children and Families was
21 reporting the incident to law enforcement?

22 MS. KARRON: Objection to form.
23 Calls for speculation.

24 THE WITNESS: I'm not aware of what
25 Children and Families did. Like I said,

1 this is the first time I see a report
2 from Children and Families.

3 BY MR. MACDONALD:

4 Q. You see on this page labeled DCF 10
5 under "Narrative," that paragraph there?

6 A. Yes.

7 Q. And do you see where it says that, "She
8 said that this happened more than once"?

9 A. Yes.

10 Q. At any point did Jane's parents or Jane
11 allege that there had been incidents involving
12 L.R. more than once?

13 A. Never that I am aware of.

14 Q. Do you see the text under the narrative
15 section on this page, DCF 12?

16 A. Yes.

17 Q. And in this second paragraph do you see
18 where it says, "The school refused to switch
19 out of classroom, so the parents
20 switched to a new school"?

21 A. That's not true. The school offered to
22 remove the child or switch his daughter, either
23 one.

24 Q. So, that's not true?

25 A. That's not true.

1 Q. Now, in terms of the investigation
2 conducted by Academir, at any point during the
3 course of that investigation, did you ever text
4 anyone about what Jane had alleged?

5 A. No, sir.

6 Q. Did you ever exchange text messages with
7 Jane's parents?

8 A. Only at the beginning for the meeting.

9 Q. Did you ever exchange text messages with
10 Susie Bello about what Jane had alleged?

11 A. No, anything with the principal is
12 verbal.

13 Q. Did you ever exchange any e-mails with
14 anyone regarding this incident alleged by Jane?

15 A. No, sir. Only with the attorneys.

16 Q. And you don't have to tell me about any
17 messages you exchanged with your attorneys of
18 course.

19 Does Academir have any electronic
20 reporting systems that are connected to
21 Miami-Dade County?

22 A. I believe the principal does, yes.

23 Q. And what is that?

24 A. I believe it's DSIS. That is the
25 program they use to communicate with the

1 district.

2 Q. How is that spelled?

3 A. It used to be ISIS, but now they changed
4 it to DSIS. I believe it is DSIS. I believe.
5 I'm not sure.

6 Q. And what exactly does that program
7 contain?

8 A. That is the program that the principals
9 use for staff, for principals, for students, for
10 attendance, all sorts of things with the
11 district. They have to be reported to the
12 district.

13 Q. And would that include the incident
14 involving Jane?

15 A. I'm not sure. They might have other
16 types of communications with the district in
17 regards to those things, but I believe this is
18 DCIS.

19 Q. Now earlier I know you stated that you
20 believe the school had offered to have Jane
21 either be removed from the classroom or have L.R.
22 removed from the classroom; is that right?

23 A. That's correct.

24 Q. Were any other accommodations or
25 measures offered to Jane besides that?

1 A. That I know of, the principal offered to
2 move either child, if he wanted to move the
3 daughter out or remove the child from the
4 classroom that's the best she could do from the
5 classroom. And she offered to have the
6 psychologist see the girl and work with the girl
7 and he didn't do either one.

8 Q. And that would be the school
9 psychologist; right?

10 A. Yes, sir.

11 Q. Do you know if that school psychologist
12 was Ms. Stephanie Ruiz?

13 A. I believe Ms. Ruiz is the psychologist
14 in that school.

15 Q. Do you know who Stephanie Ruiz is?

16 A. I believe she is the psychologist for
17 Academir Charter School West.

18 Q. Do you know if she still works for
19 Academir?

20 A. I believe so, yes.

21 Q. Was there anything else offered to
22 Jane's parents that you're aware of besides the
23 classroom arrangement where students will be
24 separated or speaking to a counselor?

25 A. Other than to launch an investigation, a

1 formal investigation with Miami-Dade County
2 police, I'm not aware of any other.

3 Q. Did you ever speak to anyone in the
4 police department about this incident?

5 A. No, sir.

6 Q. Did you ever consider reaching out to
7 anyone from the police department given that they
8 had become involved?

9 A. No, they dealt with the principal. The
10 principal is the one that reports to me the
11 findings.

12 Q. Are you still in regular communication
13 with anyone from the police department?

14 A. In regards to this case?

15 Q. Generally.

16 A. No.

17 Q. At any point did Superior give Jane or
18 Jane's parents any notices regarding her rights?

19 A. No.

20 Q. At any point did Superior give Jane or
21 Jane's parents any kind of written documentation
22 about this incident?

23 A. No, sir.

24 Q. Is this the first time that an
25 allegation was made of a sexual nature at

1 Academir Charter Schools that you are aware of?

2 A. That I'm aware of, yes.

3 Q. And is that also the case in regards to
4 Superior being involved in any allegations of a
5 sexual nature?

6 A. Yes, sir.

7 MR. MACDONALD: Let's go off the
8 record.

9 (A brief break was had.)

10 BY MR. MACDONALD:

11 Q. Those are all the questions I have for
12 you today, Mr. Mir. I want to thank you for your
13 time. There may be other questions for you from
14 your attorneys, but those are all the ones I have
15 for you today.

16 MS. KARRON: I have none.

17 (Reading and signing were waived.)

18 (Thereupon, the taking of the
19 deposition was concluded at 1:15 p.m.)
20
21
22
23
24
25

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, KATIANA LOUIS, do hereby certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true and correct transcription of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 9th day of June, 2024.

KATIANA LOUIS